

EXHIBIT 15

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

-----X

IN THE MATTER OF COEYMANS MARINE
TOWING, LLC D/B/A CARVER MARINE
TOWING AS OWNER AND OPERATOR OF M/T
MACKENZIE ROSE, (IMO NO. 8968765) HER
CARGO, ENGINES, BOILERS, TACKLE, EQUIPMENT,
APPAREL, AND APPURTENANCES, ETC., IN REM,
("M/T MACKENZIE ROSE"),

CIVIL ACTION
NO: 2:24-CV-00490

PETITIONING FOR EXONERATION FROM OR
LIMITATION OF LIABILITY IN ALLISION WITH
NORFOLK AND PORTSMOUTH BELT LINE RAILROAD
COMPANY MAIN LINE RAILROAD BRIDGE
(THE "BRIDGE") OCCURRING JUNE 15, 2024 IN
AND ABOUT THE ELIZABETH RIVER, VIRGINIA.

-----X

June 18, 2025
10:49 a.m.

AN IN PERSON VIDEOTAPED DEPOSITION of
JASON MCGRATH, taken by the respective
parties, pursuant to Order, held at the
offices of 405 Lexington Avenue, New York,
before Larin Kaywood, a Notary Public for
and within the State of New York.

JOB NO.: 114502

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<p>1 A P P E A R A N C E S:</p> <p>2 CRENSHAW, WARE & MARTIN, P.L.C.</p> <p>3 Attorneys for Defendant Norfolk</p> <p>4 Portsmouth Belt Line Railroad Company</p> <p>5 150 W. Main Street Suite 1500</p> <p>6 Norfolk, Virginia 23510</p> <p>7 BY: JIM CHAPMAN, ESQ.</p> <p>8 E-mail: Jchapman@cwm-law.com</p> <p>9</p> <p>10 CLYDE & CO US LLP</p> <p>11 Attorneys for Coeymans Marine Towing, LLC</p> <p>12 30 S. Wacker Drive, Suite 2600</p> <p>13 Chicago, IL 60606</p> <p>14 BY: JAMES H. RODGERS, ESQ.</p> <p>15 E-mail: James.rodgers@clydeco.us</p> <p>16</p> <p>17 SINNOTT, NUCKOLS & LOGAN, PC</p> <p>18 Attorney for Evanston Insurance Company,</p> <p>19 s/s/o Norfolk and Portsmouth Belt Line</p> <p>20 Railroad Company</p> <p>21 13811 Village Mill Drive</p> <p>22 Midlothian, Virginia 23114</p> <p>23 BY: MARK C. NANAVATI, ESQ.</p> <p>24 NICHOLAS J. LEWIS, ESQ.</p> <p>25 E-mail: Mnanavati@snllaw.com</p> <p>Cjones@snllaw.com</p> <p>Also Present: Ms. Rachel.</p> <p>Ingrid Contreras, The videographer</p> <p>* * * * *</p>	<p>1 THE VIDEOGRAPHER: This is the</p> <p>2 beginning of Media Number 1 in the</p> <p>3 deposition of Jason McGrath in the</p> <p>4 matter of Coeymans Marine Towing,</p> <p>5 LLC, d/b/a Carver Marine Towing, Inc.</p> <p>6 Case number 2:24-cv-00490.</p> <p>7 Today's date is Wednesday, June</p> <p>8 18th, 2025, and the time on the</p> <p>9 monitor is 10:49 a.m.</p> <p>10 My name is Ingrid Contreras,</p> <p>11 and I am the videographer. The court</p> <p>12 reporter is Larin Kaywood. We are</p> <p>13 here with First Legal.</p> <p>14 Counsel, please introduce</p> <p>15 yourself, after which the court</p> <p>16 reporter will swear in the witness.</p> <p>17 MR. CHAPMAN: James Chapman</p> <p>18 with the law firm of Crenshaw, Ware &</p> <p>19 Martin, representing Norfolk and</p> <p>20 Portsmouth Belt Line Railroad</p> <p>21 Company.</p> <p>22 MR. RODGERS: James Rodgers of</p> <p>23 Clyde & Co, representing Coeymans</p> <p>24 Marine Towing, d/b/a Carver Marine</p> <p>25 Towing and the vessel itself.</p>																																
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<p>1 INDEX</p> <p>2 EXAMINATION OF JASON MCGRATH</p> <table><tr><td>3 EXAMINATION BY</td><td>PAGE</td></tr><tr><td>4 MR. CHAPMAN</td><td>5</td></tr><tr><td>5 MR. RODGERS</td><td>74</td></tr></table> <p>6 EXHIBITS</p> <p>7 MARKED FOR IDENTIFICATION</p> <table><tr><td>8 DESCRIPTION</td><td>PAGE</td></tr><tr><td>9 Exhibit 1 - Mackenzie Rose Daily Log</td><td>52</td></tr><tr><td>10 TBS Helm Connect 000503-504</td><td></td></tr><tr><td>11 - PREVIOUSLY MARKED EXHIBITS</td><td></td></tr><tr><td>12 (BRIAN MOORE DEPO 4/28/25) -</td><td></td></tr><tr><td>13 Exhibit 12 - Jason Thomas McGrath</td><td>3</td></tr><tr><td>14 Employment Records</td><td></td></tr><tr><td>15 Exhibit 13 - Handwritten and Typed</td><td>44</td></tr><tr><td>16 Statements of</td><td></td></tr><tr><td>17 Jason Thomas McGrath</td><td></td></tr><tr><td>18 Exhibit 5 - Crew Matrix of</td><td>74</td></tr><tr><td>19 MACKENZIE ROSE</td><td></td></tr><tr><td>20 Exhibit 38 - Certificate of Inspection</td><td>75</td></tr></table>	3 EXAMINATION BY	PAGE	4 MR. CHAPMAN	5	5 MR. RODGERS	74	8 DESCRIPTION	PAGE	9 Exhibit 1 - Mackenzie Rose Daily Log	52	10 TBS Helm Connect 000503-504		11 - PREVIOUSLY MARKED EXHIBITS		12 (BRIAN MOORE DEPO 4/28/25) -		13 Exhibit 12 - Jason Thomas McGrath	3	14 Employment Records		15 Exhibit 13 - Handwritten and Typed	44	16 Statements of		17 Jason Thomas McGrath		18 Exhibit 5 - Crew Matrix of	74	19 MACKENZIE ROSE		20 Exhibit 38 - Certificate of Inspection	75	<p>1 JASON MCGRATH, having first been duly sworn</p> <p>2 by a Notary Public for and within the State</p> <p>3 of New York, upon being examined, testified</p> <p>4 as follows:</p> <p>5 THE REPORTER: Please state</p> <p>6 your name for the record.</p> <p>7 THE WITNESS: Jason McGrath.</p> <p>8 THE REPORTER: What is your</p> <p>9 current address?</p> <p>10 THE WITNESS: 43 Eaton Street,</p> <p>11 Charlestown, New Hampshire 03603.</p> <p>12 EXAMINATION BY</p> <p>13 MR. CHAPMAN:</p> <p>14 Q. Thank you.</p> <p>15 Good morning, Mr. McGrath.</p> <p>16 A. Good morning.</p> <p>17 Q. My name is Jim Chapman, we</p> <p>18 introduced ourselves just a few minutes</p> <p>19 ago.</p> <p>20 A. Yes, sir.</p> <p>21 Q. I'm going to ask you some</p> <p>22 questions today fundamentally because you</p> <p>23 were assigned to the Tug Mackenzie Rose</p> <p>24 back in June of 2024, and there's a lawsuit</p> <p>25 about damage to my client's bridge, the</p>
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<p>1 Belt Line Bridge that happened on June</p> <p>2 15th, 2024.</p> <p>3 Do you understand that?</p> <p>4 A. Yes.</p> <p>5 Q. Okay, so let me start.</p> <p>6 Do you currently work for</p> <p>7 Carver?</p> <p>8 A. No.</p> <p>9 Q. Who do you work for right now?</p> <p>10 A. Right now I work for Andrew</p> <p>11 Pearce Bowls Company and D&E Tree Work.</p> <p>12 Q. So you have two jobs?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Is either one of them involved</p> <p>15 in sailing?</p> <p>16 A. No.</p> <p>17 Q. Do you still have a license</p> <p>18 issued by the Coast Guard?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. We'll get to that in a</p> <p>21 minute, but -- so can you tell us like the</p> <p>22 window of time that you worked for Carver,</p> <p>23 like, when to when?</p> <p>24 A. I want to say it maybe only</p> <p>25 have been between six months and ten</p>	<p>1 the license, you can't sail. Coast Guard</p> <p>2 regulations.</p> <p>3 Q. Okay.</p> <p>4 A. It was a medical certificate.</p> <p>5 Q. Okay.</p> <p>6 A. That was -- I had trouble. It</p> <p>7 was a hang up with it. They were</p> <p>8 backlogged.</p> <p>9 Q. Got you.</p> <p>10 A. And didn't want to give anybody</p> <p>11 a grandfather.</p> <p>12 Q. Was it reissued eventually?</p> <p>13 A. Yeah. Yes. It's -- once I got</p> <p>14 the information squared away between them</p> <p>15 and the VA, it's -- they sent it right out,</p> <p>16 but by then, it was October, I think.</p> <p>17 Q. Okay. I don't want to get</p> <p>18 to --</p> <p>19 A. So my spot was filled.</p> <p>20 Q. Gotcha. I don't want to get</p> <p>21 too deep into your health issues --</p> <p>22 A. Yep.</p> <p>23 Q. -- but what was it that was</p> <p>24 preventing you getting the license from the</p> <p>25 Coast Guard?</p>
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<p>1 months --</p> <p>2 Q. Okay.</p> <p>3 A. -- from what I remember.</p> <p>4 Q. When do you remember leaving?</p> <p>5 A. The beginning of the summer,</p> <p>6 around there.</p> <p>7 Q. This year?</p> <p>8 A. No, last year. Last summer.</p> <p>9 Q. Okay. So when you say</p> <p>10 "beginning of the summer," that would've</p> <p>11 been --</p> <p>12 A. June.</p> <p>13 Q. -- not long after this voyage?</p> <p>14 A. No, no. No. Because I had</p> <p>15 a -- I had an issue with one of my Coast</p> <p>16 Guard licenses --</p> <p>17 Q. Okay.</p> <p>18 A. -- and the VA. So it took</p> <p>19 forever to get it squared away.</p> <p>20 Q. Got you. So there was like</p> <p>21 a -- you didn't have a license to sail or</p> <p>22 to --</p> <p>23 A. Right.</p> <p>24 Q. -- serve?</p> <p>25 A. You can't -- if you don't have</p>	<p>1 A. Oh, I had breathed in a lot of</p> <p>2 bad stuff over in the dessert, and it</p> <p>3 caused a form of COPD and with my lungs,</p> <p>4 and it was on my medical license -- or it</p> <p>5 was on my Coast Guard medical certificate.</p> <p>6 But with the medication I was</p> <p>7 on and this and that, it's cleared up</p> <p>8 recently, actually. And because I stated</p> <p>9 it was still there -- sorry, I stated that</p> <p>10 it was gone, but they needed verification</p> <p>11 from the VA and because I wrote there but</p> <p>12 never gave them anything saying -- from the</p> <p>13 VA saying it was gone, they red-flagged my</p> <p>14 medical certificate.</p> <p>15 Q. Gotcha. My dad had COPD from</p> <p>16 exposure to Agent Orange --</p> <p>17 A. Wow.</p> <p>18 Q. -- when he was in Vietnam. And</p> <p>19 so I know a little bit about that. Were</p> <p>20 you on, like, Albuterol or some other drug?</p> <p>21 A. Albuterol, and I had this stuff</p> <p>22 I had to crush up and inhale every day.</p> <p>23 Albuterol for if I had flare ups, but</p> <p>24 there -- it wasn't too often I'd use that,</p> <p>25 but -- Spiriva, I think was the name of</p>

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<p>1 it --</p> <p>2 Q. Okay.</p> <p>3 A. -- that I'd inhale every day.</p> <p>4 Q. Are you over that now?</p> <p>5 A. Yeah. I've -- it's</p> <p>6 actually -- they -- my last pulmonary</p> <p>7 function test, they said it was gone.</p> <p>8 Q. That's awesome.</p> <p>9 A. I'm not sure how that worked,</p> <p>10 but I'm grateful for it.</p> <p>11 Q. Okay. So it sounds like you</p> <p>12 couldn't sail, you couldn't work for Carver</p> <p>13 as an engineer because your license went</p> <p>14 into sort of suspended status or</p> <p>15 expired --</p> <p>16 A. Well, without a valid medical</p> <p>17 certificate, I couldn't sail for anybody as</p> <p>18 a merchant mariner.</p> <p>19 Q. Got it. And you think that was</p> <p>20 sometime last summer, summer of 2024, when</p> <p>21 you had stopped sailing?</p> <p>22 A. Well, I had sent it in the -- I</p> <p>23 think four months prior to its expiration</p> <p>24 with my physical, and I wasn't notified</p> <p>25 until it had expired, by the Coast Guard</p>	<p>1 tell you 100 percent. I know I -- that was</p> <p>2 already renewed and the only -- everything</p> <p>3 was renewed except for my medical</p> <p>4 certificate. As the exact date, I couldn't</p> <p>5 tell you offhand.</p> <p>6 Q. Okay.</p> <p>7 A. I'd be guessing.</p> <p>8 Q. All right. But you think you</p> <p>9 stopped working sometime in the summer of</p> <p>10 2024?</p> <p>11 A. It was the springtime because I</p> <p>12 remember I didn't work at all that summer</p> <p>13 on the water.</p> <p>14 Q. Okay. It obviously would've</p> <p>15 been sometime after this allusion with the</p> <p>16 bridge occurred?</p> <p>17 A. It would -- yes.</p> <p>18 Q. Yes.</p> <p>19 A. Yes, sir. It might have</p> <p>20 been -- it was either that hitch or the</p> <p>21 hitch after, I believe.</p> <p>22 Q. Okay.</p> <p>23 A. Like I said, I couldn't be 100</p> <p>24 percent on that.</p> <p>25 Q. Got it. All right. So when</p>
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<p>1 when I contacted them looking for it that</p> <p>2 it was flagged. And I don't know if they</p> <p>3 forgot to e-mail me or send something out,</p> <p>4 but --</p> <p>5 Q. Okay.</p> <p>6 A. -- it threw me for a loop.</p> <p>7 Q. So I'm going to hand you a</p> <p>8 document. And it's been marked previously</p> <p>9 as an Exhibit Number 12 in somebody else's</p> <p>10 deposition, which I think is your merchant</p> <p>11 mariner credential, or a copy of it any</p> <p>12 way. Carver produced that to us. It's</p> <p>13 just a -- it's a photocopy.</p> <p>14 And it looks to me like it was</p> <p>15 going to expire on June 25th of last year?</p> <p>16 A. Mm-hmm.</p> <p>17 Q. Is that right?</p> <p>18 A. Yep.</p> <p>19 MR. RODGERS: What number was</p> <p>20 that?</p> <p>21 MR. CHAPMAN: It was marked as</p> <p>22 Exhibit 12 in Mr. Moore's deposition.</p> <p>23 Q. So was it after June 25th that</p> <p>24 you were no longer sailing?</p> <p>25 A. This was -- yeah, I couldn't</p>	<p>1 you worked for Carver, were you always</p> <p>2 assigned to the Mackenzie Rose?</p> <p>3 A. No. I was on a -- another -- a</p> <p>4 smaller tug before then. And then they</p> <p>5 sent me to the Mackenzie Rose.</p> <p>6 Q. Okay. And -- so can you give</p> <p>7 us an estimate how much time or how long</p> <p>8 you were actually assigned to the Mackenzie</p> <p>9 Rose during your employment with Carver?</p> <p>10 A. A few months. Not -- three or</p> <p>11 four maybe.</p> <p>12 Q. Okay. What was --</p> <p>13 A. I think I only worked for them</p> <p>14 six or eight. I mean, it was -- most of my</p> <p>15 time working for them was on the Mackenzie</p> <p>16 Rose, I believe.</p> <p>17 Q. Okay, I appreciate that. So</p> <p>18 what was the rotation?</p> <p>19 A. Two weeks on, two weeks off.</p> <p>20 Q. All right. And during your two</p> <p>21 weeks off, did you sail for anybody</p> <p>22 else --</p> <p>23 A. No.</p> <p>24 Q. -- or do anything in your weeks</p> <p>25 off?</p>

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<p>1 A. Small mechanic work for myself, 2 worked for buddies, nothing on the water. 3 Q. Okay. Can you tell me about 4 like what you believed or what your 5 engineering responsibilities were on the 6 Mackenzie Rose? 7 A. Maintenance of the propulsion 8 and marine systems and -- as well as the 9 sanitary systems, and the kitchen, and the 10 decks, and the fuel -- fueling and 11 discharge. Basically everything so it 12 operates efficiently. 13 Q. Would that include steering? 14 A. The hydraulic steering, yes. 15 Q. Yeah, anything else? 16 A. I'm sure there's something I'm 17 missing, but... 18 Q. Okay. So as an engineer, did 19 you ever handle lines? 20 A. Yes, I'd have to. We were 21 always a man short, so I would go out and 22 help the deckhands. 23 Q. What do you mean by "a man 24 short?" 25 A. Well, that is a larger boat and</p>	<p>1 just put it back in. 2 Q. Got it. 3 A. Yeah. 4 Q. So is that anything if 5 it -- the power to the rudder is not 6 working and you have to go fix it, is that 7 something you would like record in a log 8 anywhere or keep track of? 9 A. I would record repairs, but if 10 it was something quick like that, just push 11 it in, I -- no -- not really. I 12 would -- sometimes small things, I wouldn't 13 log in, no. 14 Q. Do you know whether there was a 15 login system for the rudder on the boat? 16 A. No. We had our general 17 engineer's book that we logged things in 18 for the upcoming engineer. So if there was 19 an issue, we could go back to each other's 20 notes to see if -- 21 Q. Do you remember who the guy you 22 rotated two weeks on and off with -- 23 A. I believe his name was Chris. 24 Q. Okay. 25 A. Yeah. But he was there long</p>
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<p>1 we were usually a five-man crew when 2 we -- we could -- always needed a sixth 3 man. 4 Q. Okay. And not having a sixth 5 man, you ended up being the guy that would 6 assist in whatnot? 7 A. Right. Go out and break tow 8 and help them put in a push gear or take 9 from push gear, put into tow. 10 Q. Okay, all right. And did you 11 ever have to perform lookout duties? 12 A. No. 13 Q. All right. Did you have any 14 responsibility for the -- any of the 15 electronic systems on the boat? 16 A. Some systems. The radios, the 17 older radar, and -- yeah, not much else 18 than that. 19 Q. When you say "the older radar," 20 what -- can you tell us a little bit about 21 that? 22 A. Just if -- sometimes it 23 wouldn't power on, so I had to find the 24 power supply in the closet, and once I 25 found it, it was just a loose plug, so I</p>	<p>1 before me. I was pretty much -- that boat 2 was pretty much his baby. 3 Q. I got it. 4 A. So it was -- I just basically 5 went along with his -- by his notes and 6 kept things the way he had it because he 7 did a lot of work to that boat. 8 Q. I've seen in a log a guy with 9 the last name, Kushner, does that ring any 10 bells? 11 A. He was before me. 12 Q. Okay. 13 A. Yeah. 14 Q. Kushner was before you. All 15 right. But you didn't actually work with 16 this other guy, Chris? 17 A. No. 18 Q. He was on when you were off? 19 A. Right, we swapped over. 20 Q. Okay. Did he -- did -- do you 21 feel like he gave you any training to be 22 the engineer on the Mackenzie Rose? 23 MR. RODGERS: Objection to 24 form. 25 You can answer.</p>

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<p>1 A. Certain things that I would've</p> <p>2 questions about, I would ask him, like what</p> <p>3 he knew about it, but it was nothing that I</p> <p>4 hadn't dealt with on other boats.</p> <p>5 Q. Got it. I take it you had</p> <p>6 sailed before going to work for Carver?</p> <p>7 A. Yeah. I've been a mechanic and</p> <p>8 on the water most of my life.</p> <p>9 Q. All right. What branch of the</p> <p>10 service were you in?</p> <p>11 A. Marine Corp.</p> <p>12 Q. All right. Anything to do with</p> <p>13 vessels --</p> <p>14 A. No.</p> <p>15 Q. -- when you were in the</p> <p>16 service?</p> <p>17 A. No, sir.</p> <p>18 Q. All right. And you remember</p> <p>19 who you worked for right before you joined</p> <p>20 Carver?</p> <p>21 A. I worked for Vane Brothers.</p> <p>22 Q. Vane?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. They push around oil</p> <p>25 barges mostly --</p>	<p>1 A. Portside. Yes, sir.</p> <p>2 Q. Okay. Did -- could you tell</p> <p>3 whether that involved the port rudder or</p> <p>4 whether it involved both rudders or do you</p> <p>5 know?</p> <p>6 A. Well, the autopilot --</p> <p>7 MR. RODGERS: Just objection,</p> <p>8 to the extent you're asking him an</p> <p>9 expert question, but he --</p> <p>10 MR. CHAPMAN: I'm just asking</p> <p>11 him what he knows.</p> <p>12 MR. RODGERS: I got to finish</p> <p>13 my objection.</p> <p>14 But you can answer as to what</p> <p>15 you know.</p> <p>16 A. I know the autopilot controls</p> <p>17 the rudders. So if it went out of sync and</p> <p>18 kicked to one side, the rudders would go to</p> <p>19 that side.</p> <p>20 Q. Okay.</p> <p>21 A. Would steer to that side.</p> <p>22 Q. You said there was a technician</p> <p>23 that came out?</p> <p>24 A. On one of my hitches, yes.</p> <p>25 Q. All right. Do you remember who</p>
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<p>1 A. Bunker tugs, yes.</p> <p>2 Q. Yeah, okay.</p> <p>3 THE REPORTER: Just give him a</p> <p>4 second to finish his questions before</p> <p>5 you answer, okay?</p> <p>6 THE WITNESS: Oh, yep. Yep.</p> <p>7 THE REPORTER: It's okay. And</p> <p>8 Vane is?</p> <p>9 MR. CHAPMAN: Vane, V-A-N-E.</p> <p>10 Yeah.</p> <p>11 Q. So while you were working as</p> <p>12 the engineer on the Mackenzie Rose, were</p> <p>13 there any problems with the rudder other</p> <p>14 than the one you described occasionally</p> <p>15 having to go fix a connection?</p> <p>16 A. Nope.</p> <p>17 Q. Okay. Ever any problems that</p> <p>18 you knew of involving the autopilot system?</p> <p>19 A. There were a couple previously,</p> <p>20 and I knew -- and I was on board when they</p> <p>21 sent out one technician. A couple of</p> <p>22 times, the -- it would -- the -- it would</p> <p>23 kick out and the boat would take a hard</p> <p>24 left.</p> <p>25 Q. Okay. The hard left port --</p>	<p>1 the technician was?</p> <p>2 A. No.</p> <p>3 Q. Remember what company they were</p> <p>4 with?</p> <p>5 A. No.</p> <p>6 Q. Do you remember what port you</p> <p>7 were in or what vicinity you were in when</p> <p>8 that took place?</p> <p>9 A. I believe we were in New York</p> <p>10 Harbor somewhere when he came aboard, I</p> <p>11 believe.</p> <p>12 Q. Okay. So again, the same</p> <p>13 questions relative -- just the steering</p> <p>14 system, not the autopilot. But ever any</p> <p>15 problems with the steering system --</p> <p>16 A. No.</p> <p>17 Q. -- other than what you</p> <p>18 described with the autopilot?</p> <p>19 A. No. We -- the steering</p> <p>20 was -- we never -- yeah. The</p> <p>21 steering -- we never had a problem with the</p> <p>22 steering.</p> <p>23 Q. Okay. I understand there's a</p> <p>24 system on the boat, like an electronic</p> <p>25 record system called Helm CONNECT?</p>

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<p>1 A. Yes.</p> <p>2 Q. Do you remember that?</p> <p>3 A. Yep.</p> <p>4 Q. Did you have any responsibility</p> <p>5 to make entry's in that system?</p> <p>6 A. Just in the engineer's log.</p> <p>7 Q. All right. So there's like an</p> <p>8 engineer's log part of it?</p> <p>9 A. Yes.</p> <p>10 Q. And what -- where was the -- I</p> <p>11 assume it's a laptop or maybe it was some</p> <p>12 kind of desktop computer, but where was</p> <p>13 that station located?</p> <p>14 A. I had a tough book in my state</p> <p>15 room.</p> <p>16 Q. Is that your own personal tough</p> <p>17 book --</p> <p>18 A. No.</p> <p>19 Q. -- or did it belong to the</p> <p>20 company?</p> <p>21 A. Belonged to the company.</p> <p>22 Q. All right. So you could access</p> <p>23 Helm CONNECT from just sitting in your</p> <p>24 room?</p> <p>25 A. Yes.</p>	<p>1 A. Off the top of my head, I can't</p> <p>2 remember his name, no.</p> <p>3 Q. We met a guy whose name is</p> <p>4 Leonard Baldassare?</p> <p>5 A. Lenny, yep.</p> <p>6 Q. Was he the port person that you</p> <p>7 reported to?</p> <p>8 A. I don't remember exactly what</p> <p>9 his role was. He may have been port</p> <p>10 captain. I'm not 100 percent.</p> <p>11 Q. Okay. But he would've been the</p> <p>12 guy as everybody calls him Lenny.</p> <p>13 A. Right. But he was -- I believe</p> <p>14 there was another guy I went to with</p> <p>15 engineering issues, but I want to say he</p> <p>16 was a port captain.</p> <p>17 Q. Okay. But -- so there was</p> <p>18 somebody else that you dealt with if there</p> <p>19 was like a pure engineering issue?</p> <p>20 A. I want to say yes, but as I</p> <p>21 said, I'm not 100 percent of his name.</p> <p>22 Q. Got it. Any -- do you have 85</p> <p>23 percent of his name, or 50 percent?</p> <p>24 MR. RODGERS: Don't guess,</p> <p>25 but --</p>
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<p>1 Q. And any place else that you</p> <p>2 would make those entries or just from that</p> <p>3 book -- that tough book in your room?</p> <p>4 A. Just right there, because</p> <p>5 I've -- I was right next to my red book,</p> <p>6 the engineer's log.</p> <p>7 Q. So you had one of those</p> <p>8 journals that is like a paper journal that</p> <p>9 every day and you --</p> <p>10 A. Write down --</p> <p>11 Q. -- write things down?</p> <p>12 A. -- how much fuel we used, how</p> <p>13 much oil we used.</p> <p>14 Q. Pressures?</p> <p>15 A. What's that?</p> <p>16 Q. Pressures, that sort of thing?</p> <p>17 A. Engine temps.</p> <p>18 Q. Temps.</p> <p>19 A. And whatnot.</p> <p>20 Q. Yeah, okay. Was there anybody,</p> <p>21 I'll say shore side, that you reported to</p> <p>22 around any kind of engineering issues?</p> <p>23 A. We have a port engineer.</p> <p>24 Q. And do you remember who that</p> <p>25 was?</p>	<p>1 A. Yeah.</p> <p>2 MR. RODGERS: -- if you --</p> <p>3 A. I mean, I could --</p> <p>4 MR. RODGERS: If you remember</p> <p>5 any part of his name, you could say</p> <p>6 it, but don't guess.</p> <p>7 A. Yeah, I'd be guessing.</p> <p>8 Q. Okay.</p> <p>9 A. Yeah.</p> <p>10 Q. What were the type of things</p> <p>11 you would talk to him about?</p> <p>12 A. If I had any questions about</p> <p>13 repairs, if I needed to know certain</p> <p>14 specifics or whatnot. Anything that I</p> <p>15 couldn't look up on -- if we didn't have</p> <p>16 the manual on the boat and I needed to know</p> <p>17 information, I could contact him for it.</p> <p>18 Supplies for the boat because he was just</p> <p>19 generally the go-to guy for stuff we</p> <p>20 need -- needed as well Lenny.</p> <p>21 Q. Did you manage the, I'll call</p> <p>22 it the fuel, on the vessel?</p> <p>23 A. I took fuel on and discharged</p> <p>24 fuel when needed.</p> <p>25 Q. Okay. So if fuel needed to be</p>

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<p>1 ordered, did you have any involvement in</p> <p>2 that, somebody else handled it?</p> <p>3 A. I would let either the captain</p> <p>4 or the mate know how much fuel we needed</p> <p>5 and then they would arrange for us to go</p> <p>6 and get the fuel.</p> <p>7 Q. Got it.</p> <p>8 A. And then I would physically</p> <p>9 load the fuel.</p> <p>10 Q. So you mentioned a technician</p> <p>11 from some company came to do something to</p> <p>12 the autopilot system up in New York. Was</p> <p>13 that something that you had called in or</p> <p>14 notified the company needed to be taken</p> <p>15 care of?</p> <p>16 A. This was a preexisting problem</p> <p>17 when I came onto the boat.</p> <p>18 Q. So did you deal with anybody</p> <p>19 about it at the -- I'll say on the shore</p> <p>20 side of the company?</p> <p>21 A. It was all taken care of before</p> <p>22 I even knew about it.</p> <p>23 Q. And as far as you can recall,</p> <p>24 there was only one time a technician came</p> <p>25 out to do something to the autopilot, at</p>	<p>1 A. I think we crew-changed them.</p> <p>2 But I couldn't be 100 percent accurate</p> <p>3 about it.</p> <p>4 Q. All right. I want to focus on</p> <p>5 the day of the incident first, okay? Like</p> <p>6 what you remember about it.</p> <p>7 Were you awake when the</p> <p>8 allision occurred?</p> <p>9 A. Yes.</p> <p>10 Q. All right. What do you</p> <p>11 remember about getting underway before the</p> <p>12 allision?</p> <p>13 A. I remember we were in the</p> <p>14 creeks, and we were taking the barge that</p> <p>15 wasn't ours with some stanchions or whatnot</p> <p>16 on it, and there was a lot of traffic in</p> <p>17 the creek and we had to turn the bridge.</p> <p>18 And then once we got underway, I was -- I</p> <p>19 made my rounds and went to my state room to</p> <p>20 record information.</p> <p>21 Q. So the allision happened around</p> <p>22 4:30 in the afternoon, so Saturday</p> <p>23 afternoon, would that normally have been</p> <p>24 like your off time on watches, or would you</p> <p>25 have been on watch during that period?</p>
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<p>1 least while you were on a two-way hitch?</p> <p>2 A. While I was on the boat.</p> <p>3 Q. Yeah.</p> <p>4 A. There was only one time that a</p> <p>5 guy came out and we took him for a ride so</p> <p>6 he could take a look at it.</p> <p>7 Q. And that was up in New York?</p> <p>8 A. Yes.</p> <p>9 THE REPORTER: Just slow down a</p> <p>10 little bit.</p> <p>11 THE WITNESS: Oh, I'm sorry.</p> <p>12 THE REPORTER: That's okay.</p> <p>13 Q. So I know it's been a year, but</p> <p>14 I want to ask from your memory, do you</p> <p>15 remember when you came aboard the</p> <p>16 vessel -- came a board the Mackenzie Rose</p> <p>17 to start your two-week hitch right before</p> <p>18 this allision with the bridge occurred?</p> <p>19 Like how many days, whether you were</p> <p>20 already two weeks in? I'm just asking you</p> <p>21 based on your memory.</p> <p>22 A. We were headed to Baltimore, so</p> <p>23 it had to have been -- it was -- I think I</p> <p>24 came on shortly before that incident.</p> <p>25 Q. Okay.</p>	<p>1 A. Well, I'm usually -- I run six</p> <p>2 on and six off, but sometimes I have to</p> <p>3 vary my hours with the deck work, and</p> <p>4 basically, if we have to switch our gear, I</p> <p>5 have to be up for -- so I'll shift my hours</p> <p>6 so that I don't go over the allotted hours</p> <p>7 for the Coast Guard.</p> <p>8 Q. Yeah. Coast Guard wants you to</p> <p>9 stay under 12?</p> <p>10 A. Yes.</p> <p>11 Q. Or not go over 12, right?</p> <p>12 A. Right.</p> <p>13 Q. Yeah. So it sounds like you</p> <p>14 had -- you were up to put the barge into</p> <p>15 pushing gear?</p> <p>16 A. I helped -- we were</p> <p>17 already -- we -- well, we helped -- we -- I</p> <p>18 put into push gear, I helped with the dock</p> <p>19 lines, and then -- and that was about all I</p> <p>20 really did, because when we're tied up,</p> <p>21 it's really easy for that. But we have to</p> <p>22 put out a couple of separate lines to the</p> <p>23 bow, spring lines. And that takes two</p> <p>24 people and our bow's very high, so it's a</p> <p>25 real pain.</p>

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<p>1 Q. Gotcha. Does the deck of the</p> <p>2 barge sit below the bow of the</p> <p>3 barge -- excuse me.</p> <p>4 Does the deck of the barge sit</p> <p>5 below the bow of the tug when it's made up</p> <p>6 in push gear?</p> <p>7 A. It depends on the weight.</p> <p>8 Q. Do you recall from this</p> <p>9 particular arrangement whether it was --</p> <p>10 A. We were -- our bow was above</p> <p>11 the barge, yes.</p> <p>12 Q. And you said the barge was</p> <p>13 loaded with some kind of stanchions?</p> <p>14 A. Yes.</p> <p>15 Q. So when the allision occurred,</p> <p>16 where were you?</p> <p>17 A. I was in my room.</p> <p>18 Q. All right. You remember what</p> <p>19 you were doing in your room?</p> <p>20 A. I remember I was filling out</p> <p>21 information into my logs.</p> <p>22 Q. Okay. In the paper log or in</p> <p>23 the book?</p> <p>24 A. No, in the book.</p> <p>25 Q. In the book. Okay, got it.</p>	<p>1 Q. Yeah, okay.</p> <p>2 A. That's how I call --</p> <p>3 Q. I understand people</p> <p>4 use -- that's fine.</p> <p>5 A. I always called him Jimmy.</p> <p>6 Q. Just wanted to make sure we</p> <p>7 know --</p> <p>8 A. Yep.</p> <p>9 Q. -- who you're talking about.</p> <p>10 And did you go up to the upper</p> <p>11 wheelhouse --</p> <p>12 A. Yes.</p> <p>13 Q. -- to see him?</p> <p>14 A. Yes.</p> <p>15 Q. Did anybody else go to the</p> <p>16 upper wheelhouse with you?</p> <p>17 A. Sharif and Ja came up shortly</p> <p>18 afterwards.</p> <p>19 Q. Okay. So those guys are both</p> <p>20 deckhands, right?</p> <p>21 A. Yes.</p> <p>22 Q. Sharif Porter?</p> <p>23 A. Yes.</p> <p>24 Q. And you call him Ja?</p> <p>25 A. Jarkeis.</p>
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<p>1 And tell us what, I don't know, got your</p> <p>2 attention or made you think that you needed</p> <p>3 to go check on things?</p> <p>4 A. I felt all of a sudden a roll</p> <p>5 forward and a stop. And whenever there's</p> <p>6 something that isn't normal, it's get up</p> <p>7 and figure it out what it is. There were</p> <p>8 no alarms, nothing went crashing, but I</p> <p>9 immediately went up to the wheelhouse to</p> <p>10 see what happened and saw the Railroad</p> <p>11 Bridge and Jimmy was already maneuvering</p> <p>12 around it and fixing it.</p> <p>13 And then I went down to the</p> <p>14 engine room and checked everything down</p> <p>15 there and checked the stuffing boxes, make</p> <p>16 sure -- because we have wet boxes that let</p> <p>17 water in to cool the shafts and make sure</p> <p>18 that not too much water was going in and</p> <p>19 whatnot.</p> <p>20 There's certain things that I</p> <p>21 checked, checked the engines and make sure</p> <p>22 everything is running as it should.</p> <p>23 Q. You referred to Jimmy. Is that</p> <p>24 Captain James Morrissey?</p> <p>25 A. Yes, sir. I'm sorry.</p>	<p>1 Q. Jarkeis Morrissey?</p> <p>2 A. Yeah, yep.</p> <p>3 Q. Yeah. Were they both up there</p> <p>4 when you were up there?</p> <p>5 A. They were -- I believe -- I</p> <p>6 can't remember who was up there first. I</p> <p>7 was the second one up there because one of</p> <p>8 the deckhands was up and then Sharif was</p> <p>9 in -- it had to have been Ja because Sharif</p> <p>10 was in the rack, so I think he was the</p> <p>11 third one up.</p> <p>12 Q. Gotcha. But all --</p> <p>13 A. As far as I can remember.</p> <p>14 Q. Your memory is that the three</p> <p>15 of you were in there at some point with</p> <p>16 Captain Morrissey?</p> <p>17 A. Well, we weren't -- we were</p> <p>18 around the wheelhouse. There's not much</p> <p>19 room in there.</p> <p>20 Q. It's tight quarters in there?</p> <p>21 A. Very tight. Yeah, it's a small</p> <p>22 upper wheelhouse.</p> <p>23 Q. Okay. There's a platform</p> <p>24 around it --</p> <p>25 A. Yes.</p>

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<p style="text-align: right;">Page 34</p> <p>1 Q. -- that you can on?</p> <p>2 A. Yes.</p> <p>3 Q. Right? And what did Captain</p> <p>4 Morrissey tell you had happened?</p> <p>5 A. Well, we really -- he</p> <p>6 was -- there was a lot of swearing. I</p> <p>7 can't really remember what he said, but it</p> <p>8 was pretty evident what happened. So once</p> <p>9 I had a gist of what happened, I went down</p> <p>10 to the engine room and did a walkthrough.</p> <p>11 Q. So what -- when you say "it was</p> <p>12 pretty evident what had happened," what did</p> <p>13 you see?</p> <p>14 A. I saw that we were coming to go</p> <p>15 through where the trestle bridge was, but</p> <p>16 we were still very close to it.</p> <p>17 Q. Did you see the bridge? You</p> <p>18 were able to see the bridge?</p> <p>19 A. Once I was up top, yes, I saw</p> <p>20 the bridge.</p> <p>21 Q. Okay. And did it appear that</p> <p>22 there was anything wrong with the bridge?</p> <p>23 A. No, not to what I saw.</p> <p>24 Q. Yeah. So in terms of where you</p> <p>25 were when you first saw the bridge, can you</p>	<p style="text-align: right;">Page 36</p> <p>1 so it's always pretty loud anyway.</p> <p>2 Q. Got it. When you got up to</p> <p>3 when you could first see the bridge, was</p> <p>4 the vessel moving forward, was it backing</p> <p>5 up?</p> <p>6 A. I think we were coming on</p> <p>7 starboard to go around --</p> <p>8 Q. All right.</p> <p>9 A. -- when I finally got up there.</p> <p>10 Q. So the head of the bow -- of</p> <p>11 the barge was, what, swinging</p> <p>12 around starboard?</p> <p>13 A. It was swinging starboard, yes.</p> <p>14 Q. Okay. And did you stay up</p> <p>15 there as the tug and barge went through the</p> <p>16 channel opening of the bridge?</p> <p>17 A. No. I went down to the engine</p> <p>18 room.</p> <p>19 THE REPORTER: You went down?</p> <p>20 THE WITNESS: To the engine</p> <p>21 room.</p> <p>22 Q. So who was doing the swearing?</p> <p>23 A. Captain Morrissey.</p> <p>24 Q. Was anything at all said about</p> <p>25 a problem with the autopilot?</p>
<p style="text-align: right;">Page 35</p> <p>1 give us, I don't know, your best</p> <p>2 recollection of --</p> <p>3 A. I was headed up the ladder to</p> <p>4 the upper wheelhouse when I saw we were too</p> <p>5 far to the left. And as he was -- I don't</p> <p>6 remember if he was backing up to come</p> <p>7 around or where he was, but we were -- we</p> <p>8 hadn't started to go through yet.</p> <p>9 Q. And you remember Captain</p> <p>10 Morrissey putting the engines in reverse?</p> <p>11 MR. RODGERS: Objection to</p> <p>12 form.</p> <p>13 You can --</p> <p>14 MR. CHAPMAN: Well, he --</p> <p>15 MR. RODGERS: Objection to</p> <p>16 form.</p> <p>17 MR. CHAPMAN: He used the term</p> <p>18 "backing down."</p> <p>19 Q. Okay. Tell us what you mean by</p> <p>20 "backing down."</p> <p>21 A. What I mean is -- I meant</p> <p>22 backing down, it was like we -- like, I</p> <p>23 felt the roll forward. I really didn't</p> <p>24 notice the RPMs go up on the engine, but</p> <p>25 it's -- my room is right above the engines,</p>	<p style="text-align: right;">Page 37</p> <p>1 MR. RODGERS: Objection to</p> <p>2 form.</p> <p>3 You can answer if you know.</p> <p>4 A. It was brought up that it had</p> <p>5 been an issue in the past, and he had made</p> <p>6 a comment again that it kicked over.</p> <p>7 Q. While you were up there on</p> <p>8 the --</p> <p>9 A. It was afterwards.</p> <p>10 Q. And when you say "afterwards,"</p> <p>11 the same day?</p> <p>12 A. If not that day, it was the</p> <p>13 next day.</p> <p>14 Q. Did Captain Morrissey seem</p> <p>15 upset when you were up there in the upper</p> <p>16 wheelhouse with him?</p> <p>17 A. Yes.</p> <p>18 Q. Did he ask you to do anything</p> <p>19 specifically?</p> <p>20 A. No, not so much. He may have</p> <p>21 mentioned -- we did go and check out the</p> <p>22 front of the barge underway to look for any</p> <p>23 damage. We -- I don't remember if he asked</p> <p>24 to do it or if we took it upon ourselves.</p> <p>25 Q. Do you know whether the front</p>

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<p>1 of the barge contacted the bridge?</p> <p>2 A. No. I've not -- I wasn't</p> <p>3 outside when it hit it at all. I didn't</p> <p>4 see what actually happened.</p> <p>5 Q. All you know is what you felt</p> <p>6 while you were in your state --</p> <p>7 A. Yeah.</p> <p>8 Q. -- room?</p> <p>9 A. While I was sitting in my</p> <p>10 chair, we rolled forward and then we</p> <p>11 scrambled -- or I scrambled.</p> <p>12 Q. So when you went down to the</p> <p>13 engine space, you wanted to make sure that</p> <p>14 you weren't taking on water or it had</p> <p>15 affected the seals around this water</p> <p>16 cooling system, correct?</p> <p>17 A. The stuffing boxes.</p> <p>18 Just -- well, just -- well, because we were</p> <p>19 in the creeks, it's -- if you don't -- if</p> <p>20 you're too far to one side or that it gets</p> <p>21 really shallow really quick, and if you</p> <p>22 drag a prop.</p> <p>23 Q. It could affect the stuffing</p> <p>24 box?</p> <p>25 A. It can, yes.</p>	<p>1 gear, right?</p> <p>2 A. Yes.</p> <p>3 Q. All right. So was this while</p> <p>4 you were still in the vicinity of the</p> <p>5 bridge or was this kind of --</p> <p>6 A. It was shortly past it.</p> <p>7 Q. Okay. In the aftermath of this</p> <p>8 allision, did the tug and barge kind of</p> <p>9 hang around near the bridge before heading</p> <p>10 out?</p> <p>11 MR. RODGERS: Objection to</p> <p>12 form.</p> <p>13 You can answer if you</p> <p>14 understand the question.</p> <p>15 A. I don't know. I mean, we had</p> <p>16 to run slow leaving out of there. I don't</p> <p>17 know if we ran slower or faster because of</p> <p>18 it. I know the -- I know Chris was on the</p> <p>19 phone with whoever he needed to notify. I</p> <p>20 don't know if that interfered with how fast</p> <p>21 we moved or not.</p> <p>22 I don't -- the wheelhouse</p> <p>23 is -- they're on their own. All I do is go</p> <p>24 up there to fix things if something goes</p> <p>25 wrong.</p>
Page 39	Page 41
<p>1 Q. And did you detect anything</p> <p>2 that was wrong with them?</p> <p>3 A. No. The engine within -- there</p> <p>4 was nothing wrong with the engine room.</p> <p>5 Q. The stuffing boxes</p> <p>6 were -- sometimes they weep a little bit,</p> <p>7 but that's normal, right?</p> <p>8 A. There's a controlled flow --</p> <p>9 Q. Yeah.</p> <p>10 A. -- that you adjust by loosening</p> <p>11 and tightening it.</p> <p>12 Q. But there was nothing for you</p> <p>13 to do, is that what you are saying?</p> <p>14 A. No. Yeah, there was nothing.</p> <p>15 And once I did a walkthrough is when Sharif</p> <p>16 and I crossed over to the bars to go and</p> <p>17 inspect the bow for anything.</p> <p>18 Q. So you and the deckhand,</p> <p>19 Sharif, went on the barge?</p> <p>20 A. Yes, we crossed over.</p> <p>21 Q. Where was the tug and barge</p> <p>22 located when you did that?</p> <p>23 A. Well, we were underway.</p> <p>24 Q. Yeah. When you say "underway,"</p> <p>25 were you -- you still had it in pushing</p>	<p>1 Q. How do you know Chris was on</p> <p>2 the phone with somebody?</p> <p>3 A. Well, he -- because when</p> <p>4 he -- when I was headed down, he had the</p> <p>5 phone in his hand.</p> <p>6 Q. Okay. I'm just -- he had a</p> <p>7 phone in his hand. Do you know if he was</p> <p>8 actually talking to somebody or --</p> <p>9 A. He -- well, I'm sorry. He had</p> <p>10 a phone in his hand to his ear and he was</p> <p>11 calling it in.</p> <p>12 Q. And did you have any sense of</p> <p>13 who he was talking to, or?</p> <p>14 A. No idea, but, you know,</p> <p>15 just -- by just putting two and two</p> <p>16 together that he was calling it in.</p> <p>17 Q. You --</p> <p>18 A. I don't know who he was calling</p> <p>19 or not, but I assume the Coast Guard or</p> <p>20 Carver. But like I said, I don't know for</p> <p>21 sure.</p> <p>22 Q. Got it. Is there anything that</p> <p>23 would indicate the rudder angle in the</p> <p>24 engine room?</p> <p>25 A. Not that I can recall.</p>

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<p>1 Q. Do you know whether there's a</p> <p>2 rudder angle indicator on either of the</p> <p>3 bridges?</p> <p>4 A. In the lower wheelhouse, we</p> <p>5 have one, yes, I believe.</p> <p>6 Q. All right. Do you know if</p> <p>7 there's one in the upper wheelhouse?</p> <p>8 A. I couldn't tell you off the top</p> <p>9 of my head. I -- the only time I go up</p> <p>10 there is if they need something looked at.</p> <p>11 Q. Do you remember writing up a</p> <p>12 statement about what you remembered --</p> <p>13 A. Yes.</p> <p>14 Q. -- or what happened?</p> <p>15 A. Yes. We were at -- we were</p> <p>16 asked -- yeah, we all gathered in the</p> <p>17 galley to write up a quick statement to</p> <p>18 send in.</p> <p>19 Q. And was that the same day?</p> <p>20 A. I believe so.</p> <p>21 Q. All right. Who asked you to</p> <p>22 write the statement up?</p> <p>23 A. Cap. Chris.</p> <p>24 Q. All right. And that's Chris</p> <p>25 Miller?</p>	<p>1 writing up a statement with you all at that</p> <p>2 time?</p> <p>3 A. No. It was just me and</p> <p>4 the -- it was just the deckhands and I.</p> <p>5 Q. Okay. And Captain Miller was</p> <p>6 there or not?</p> <p>7 A. No, not that I remember.</p> <p>8 Q. I take it that after you wrote</p> <p>9 it up, you gave it to -- you gave your</p> <p>10 statement to Captain Miller?</p> <p>11 A. Yes, we all handed it off.</p> <p>12 Q. All right. Did you ever type</p> <p>13 up a statement?</p> <p>14 A. No, handwritten.</p> <p>15 Q. Strictly handwritten?</p> <p>16 A. Yeah.</p> <p>17 Q. Okay. I'm going to pass you</p> <p>18 what was previously marked as Exhibit 13 in</p> <p>19 Mr. Moore's deposition.</p> <p>20 And I just want to ask you the</p> <p>21 first page of that exhibit, is that a copy</p> <p>22 of the statement that you wrote up?</p> <p>23 A. That's what I wrote up, yep.</p> <p>24 Q. All right. Underneath it, it</p> <p>25 appears to be a typed version of that</p>
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<p>1 A. Yes.</p> <p>2 Q. And he was the master of the</p> <p>3 vessel?</p> <p>4 A. They rotated between captain</p> <p>5 and mate, so it was -- I don't know who was</p> <p>6 doing what at which time but they were both</p> <p>7 captains. They would just switch off. So</p> <p>8 it was just kind of, they were both -- I</p> <p>9 didn't pay much a technician to it. Just</p> <p>10 whoever was -- told me to do something, I</p> <p>11 did it.</p> <p>12 Q. But your recollection is that</p> <p>13 Captain Miller asked you to write up a</p> <p>14 statement?</p> <p>15 A. Yes, from what I remember.</p> <p>16 Q. All right. And did everybody</p> <p>17 sit down in the galley at the same time and</p> <p>18 do it, or did --</p> <p>19 A. Yeah. We were all in the</p> <p>20 galley from what I remember.</p> <p>21 Q. Okay. And were you all talking</p> <p>22 about it as you wrote up your statements or</p> <p>23 not?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. Was Captain Morrissey</p>	<p>1 statement, but you've just told us that you</p> <p>2 didn't type a statement up, right?</p> <p>3 A. Correct.</p> <p>4 Q. We'll wait until the crowd goes</p> <p>5 by.</p> <p>6 MR. RODGERS: I think it's</p> <p>7 done.</p> <p>8 Q. And I just want to ask you if</p> <p>9 you have any knowledge or understanding</p> <p>10 about how the typed version of your</p> <p>11 statement came into existence, if you know?</p> <p>12 MR. RODGERS: The second page?</p> <p>13 MR. CHAPMAN: Yeah, the second</p> <p>14 page.</p> <p>15 MR. RODGERS: You know, I</p> <p>16 forgot to ask you if you could do the</p> <p>17 Bates stamp for Rachel and, I guess,</p> <p>18 Mark.</p> <p>19 MR. CHAPMAN: Rachel, do you</p> <p>20 need the Bates Number?</p> <p>21 MS. RACHEL: Jim. Jim, as long</p> <p>22 as it as prior marked exhibits of --</p> <p>23 MR. RODGERS: Okay.</p> <p>24 MR. CHAPMAN: Yeah.</p> <p>25 MS. RACHEL: We're good. But</p>

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<p>1 if it's a new exhibit, the Bates</p> <p>2 Number would be --</p> <p>3 MR. CHAPMAN: Sure.</p> <p>4 MR. RODGERS: Thanks.</p> <p>5 MR. CHAPMAN: Sure. Okay.</p> <p>6 MR. RODGERS: But also because</p> <p>7 there's another typed one, if you</p> <p>8 could put the Bates stamp on the</p> <p>9 record of the second page because</p> <p>10 it --</p> <p>11 MR. CHAPMAN: Of that one?</p> <p>12 MR. RODGERS: There's another</p> <p>13 typed one, so --</p> <p>14 MR. CHAPMAN: Oh, you're right.</p> <p>15 You're right.</p> <p>16 MR. RODGERS: But the record</p> <p>17 shows --</p> <p>18 MR. CHAPMAN: I apologize.</p> <p>19 There are three exhibits here, yeah.</p> <p>20 MR. RODGERS: There are three</p> <p>21 pages of the exhibit.</p> <p>22 MR. CHAPMAN: Three pages in</p> <p>23 the exhibit.</p> <p>24 Q. So the second page looks like a</p> <p>25 typed version of your handwritten</p>	<p>1 up the upper wheelhouse. I looked over the</p> <p>2 ladder when I was heading up. Jimmy really</p> <p>3 didn't say much except for swearing and</p> <p>4 nothing about fendering. And we did</p> <p>5 not -- and I didn't know anything about any</p> <p>6 noticeable -- no noticeable damage till we</p> <p>7 crossed over to look at the front of the</p> <p>8 barge.</p> <p>9 Q. Okay.</p> <p>10 A. And I -- we -- I didn't even</p> <p>11 see missing paint.</p> <p>12 Q. All right. But you don't</p> <p>13 remember either signing that, or?</p> <p>14 A. I don't even remember seeing</p> <p>15 this, to tell you the truth.</p> <p>16 Q. And it sounds like based on</p> <p>17 what you just described that it's not</p> <p>18 accurate in terms of your own memory?</p> <p>19 A. No, sir.</p> <p>20 Q. All right. So I just want to</p> <p>21 be clear a couple of things that you</p> <p>22 mentioned. So you testified that you felt</p> <p>23 the boat come to a, I'll call it an abrupt</p> <p>24 stop, and it caused you to sort of pitch</p> <p>25 forward in your chair or something, right?</p>
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<p>1 statement, right?</p> <p>2 A. Correct.</p> <p>3 Q. Okay. And then if you turn to</p> <p>4 the third page of that exhibit, is that</p> <p>5 your signature on it?</p> <p>6 A. It looks like it.</p> <p>7 Q. All right. Now, you told us</p> <p>8 you didn't type anything up?</p> <p>9 A. I did not.</p> <p>10 Q. Did -- do you know who would</p> <p>11 have typed that up before you signed it?</p> <p>12 A. I could not have told you. And</p> <p>13 I don't remember signing this.</p> <p>14 Q. Okay. And based on what it</p> <p>15 says, are those your words?</p> <p>16 A. No. I went to the upper</p> <p>17 wheelhouse first.</p> <p>18 Q. All right. Anything else that</p> <p>19 doesn't seem like --</p> <p>20 A. I -- slowed down in shimmy is</p> <p>21 incorrect.</p> <p>22 THE REPORTER: Slow down the?</p> <p>23 THE WITNESS: Sorry. Slow down</p> <p>24 in shimmy.</p> <p>25 A. I went up -- I immediately ran</p>	<p>1 A. Yes.</p> <p>2 Q. It -- you did not feel the boat</p> <p>3 slow down and shimmy? That's not your</p> <p>4 words?</p> <p>5 A. We were at a real slow pace</p> <p>6 because I -- there -- like I said, there</p> <p>7 was a lot of traffic, a lot of small</p> <p>8 pleasure crafts, yeah. So we were moving</p> <p>9 real slow to begin with. And then all of a</p> <p>10 sudden, there was a -- you know, I moved</p> <p>11 forward a little bit.</p> <p>12 Q. And then it says in this Page 3</p> <p>13 of this Exhibit 13, "I saw we had landed on</p> <p>14 the bridge fendering."</p> <p>15 Did you ever see the tug or</p> <p>16 barge --</p> <p>17 A. We were -- when I got up there,</p> <p>18 I did not see the tug -- the barge on that</p> <p>19 bridge at all. We were -- there was</p> <p>20 distance in between.</p> <p>21 Q. So that's not your memory,</p> <p>22 touching the fender?</p> <p>23 A. That's not my memory, no.</p> <p>24 Q. Okay.</p> <p>25 THE REPORTER: Just give him a</p>

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1 second.
2 **THE WITNESS: Sorry. I'm**
3 **sorry.**
4 THE REPORTER: It's okay.
5 Q. And overall, you went to the
6 wheelhouse first --
7 **A. Yes.**
8 Q. -- before going down to the
9 engine space?
10 **A. Yes.**
11 Q. And did the mate, who is
12 Captain Morrissey, ever say to you that he
13 had touched up on the bridge fendering?
14 **A. Not that I remember, no.**
15 Q. You told us that you and the
16 deckhand, Sharif Porter, went up to look at
17 the head of the barge.
18 **A. Yes.**
19 Q. Right? So were any pictures
20 taken of the head of the barge when you
21 went up there?
22 **A. Not then, no.**
23 Q. Okay. Do you know if there
24 were ever any pictures taken?
25 **A. I know before I was dropped off**

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1 to catch my train home we went around the
2 barge and pictures were taken by Jarkeis
3 with a small digital camera. And then they
4 went and they put me on the dock when we
5 did the crew change.
6 Q. And that would have been what,
7 10 days or a couple of weeks later?
8 **A. It was -- yeah. It was the end**
9 **of the hitch.**
10 Q. Okay.
11 **A. The exact day difference, I**
12 **couldn't tell you.**
13 Q. Gotcha. It wasn't the day of
14 the allision?
15 **A. No.**
16 Q. All right. Were any pictures
17 taken that you know of of the bridge?
18 **A. Not that I know of, no.**
19 Q. What about the tug at the time
20 of the allision, or shortly thereafter?
21 **A. Not that I know of.**
22 Q. Do you know of any other
23 pictures being taken that somehow relate to
24 the allision?
25 **A. No, sir.**

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1 Q. Okay. Do you know if the
2 autopilot was being used by Captain
3 Morrissey when he was operating the tug and
4 barge?
5 **A. I wouldn't have any knowledge**
6 **or -- of what control he was using.**
7 MR. RODGERS: Do you need
8 water?
9 **THE WITNESS: I'm all right.**
10 **Thank you.**
11 MR. CHAPMAN: Can you mark that
12 as Exhibit 1 of his deposition?
13 MR. RODGERS: Thanks. This is
14 McGrath 1?
15 MR. CHAPMAN: Yep.
16 (Whereupon, McGrath Exhibit 1
17 was marked for identification.)
18 Q. Mr. McGrath, you've been handed
19 what's been marked as Exhibit 1 for your
20 deposition, which is a document that was
21 provided to us by Carver from their Helm
22 CONNECT system.
23 It's a print out of the daily
24 log that was completed on May 20th of 2024.
25 And I believe it covers two days, May 20th

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1 and May 21st.
2 And if you look on the second
3 page of the exhibit, the production numbers
4 of Carver TBS Helm CONNECT 000503 through
5 505 -- excuse me, 506. And I'm asking to
6 look at the one that's marked 504 at the
7 bottom?
8 Do you see that?
9 **A. This one right here, sir?**
10 Q. Yes. Second page, yeah.
11 **A. Mm-hmm.**
12 Q. And it appears that you were on
13 board the vessel at the time of this -- on
14 that date, May 20th, 2024.
15 Do you see that?
16 **A. Okay.**
17 Q. You are listed. I don't know
18 if you have any memory of being there, but
19 it appears that the vessel is underway from
20 somewhere near Brooklyn, eventually
21 entering the Atlantic southbound.
22 I can't tell where it's going,
23 but if you look at the very last entry in
24 the log on May 20th, the time entry is
25 23:08, describes an incident, I'll just

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<p>1 read it, southbound Atlantic.</p> <p>2 It says, "SB in the Atlantic,</p> <p>3 steering went hard over with alarm, went to</p> <p>4 clutch ahead, got back into donut and in</p> <p>5 front of barge."</p> <p>6 Do you have any memory of that?</p> <p>7 A. Off the top of my head, no. I</p> <p>8 do remember that it had happened a couple</p> <p>9 of times in the past, and that's why we had</p> <p>10 the technician on board.</p> <p>11 Q. Okay. So this incident in May</p> <p>12 of 2024, three or four weeks before the</p> <p>13 allision, and -- you think there was a</p> <p>14 technician that came out?</p> <p>15 A. Well, I know of one that came</p> <p>16 on when I was on the boat.</p> <p>17 Q. Okay. But that was up in New</p> <p>18 York Harbor, right?</p> <p>19 MR. RODGERS: Objection.</p> <p>20 There's documents that have more than</p> <p>21 one technician, so you're asking</p> <p>22 about what he remembers?</p> <p>23 MR. CHAPMAN: Yeah, exactly.</p> <p>24 MR. RODGERS: Okay. Okay.</p> <p>25 Q. Yeah.</p>	<p>1 anything to you? You ever heard of</p> <p>2 somebody named Kands?</p> <p>3 A. No.</p> <p>4 THE REPORTER: K-A-N-S, right?</p> <p>5 MR. CHAPMAN: K-A-N-D-S, yeah.</p> <p>6 Q. Before this allision occurred,</p> <p>7 you remember having come aboard the vessel</p> <p>8 to start your two-week hitch.</p> <p>9 Do you remember where you</p> <p>10 boarded the vessel?</p> <p>11 A. Not particularly, no. I mean,</p> <p>12 I -- if I had to guess, I'd say Baltimore,</p> <p>13 but --</p> <p>14 Q. What makes you think that?</p> <p>15 A. Just because that was usually a</p> <p>16 good crew-change spot. We brought a taxi</p> <p>17 out on the -- or it'd be the Chesapeake,</p> <p>18 unless it was New York Harbor.</p> <p>19 Q. Got it.</p> <p>20 A. I mean, there was only a few</p> <p>21 spots where we would do crew change along</p> <p>22 the way.</p> <p>23 Q. You --</p> <p>24 MR. RODGERS: Well, just don't</p> <p>25 guess. If you remember --</p>
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<p>1 A. Yeah. From what I remember, I</p> <p>2 remember we brought one guy on board and he</p> <p>3 was there for the autopilot.</p> <p>4 Q. Okay. But that was up in New</p> <p>5 York?</p> <p>6 A. Yes.</p> <p>7 Q. Not while you were southbound</p> <p>8 in the Atlantic?</p> <p>9 A. Right.</p> <p>10 Q. Right. Okay. Do you ever</p> <p>11 remember a technician from a company called</p> <p>12 Aries Marine Electronics coming aboard the</p> <p>13 boat to do anything with the autopilot?</p> <p>14 A. Honestly, I don't even remember</p> <p>15 the guy who came on when I was there.</p> <p>16 Q. Okay. You don't know what</p> <p>17 company he was with?</p> <p>18 A. I don't even remember his name.</p> <p>19 Q. Okay. Did -- were you involved</p> <p>20 in anyway in working with him whatever the</p> <p>21 issue was with the autopilot?</p> <p>22 A. I stood by in case he needed</p> <p>23 anything from me, but it was his own</p> <p>24 program.</p> <p>25 Q. Does the last name Kands mean</p>	<p>1 THE WITNESS: Oh, I'm sorry.</p> <p>2 No, I don't --</p> <p>3 MR. RODGERS: If you don't</p> <p>4 remember --</p> <p>5 A. I don't remember 100 percent,</p> <p>6 no.</p> <p>7 Q. Yeah. You told us that you</p> <p>8 were -- that you live up in New Hampshire?</p> <p>9 A. Yes.</p> <p>10 Q. Were you living up in New</p> <p>11 Hampshire back then?</p> <p>12 A. Yes.</p> <p>13 Q. All right.</p> <p>14 A. I -- well, I bought my house</p> <p>15 during -- while I was employed -- wait.</p> <p>16 No. I bought my house before I went to</p> <p>17 them. But yes, I was living in New</p> <p>18 Hampshire, yes.</p> <p>19 Q. Okay. And did the company pay</p> <p>20 for your transportation to get to Baltimore</p> <p>21 to get on the boat?</p> <p>22 A. They did at first, and then</p> <p>23 they changed policy.</p> <p>24 Q. All right. I'm going</p> <p>25 to -- give me that. I'm going to give you</p>

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1 what was marked as Exhibit 6 in Mr. Moore's
2 deposition, which is the -- a daily log of
3 the Mackenzie Rose covering the period of
4 June 12th through June 16th of 2024.
5 MR. RODGERS: What exhibit?
6 MR. CHAPMAN: 6.
7 THE REPORTER: On Mr. Moore's
8 deposition.
9 Q. And on the very first page of
10 the exhibit, it talks about a crew change
11 in Baltimore?
12 A. Yep.
13 Q. And it looks like you came
14 aboard the vessel at noon in Baltimore on
15 June 12th, right?
16 A. Yep.
17 Q. And it mentions on here a
18 couple of times -- a couple entries that
19 the vessel was standing by for repairs in
20 Baltimore, I guess at a ship repair
21 facility.
22 Do you know what needed to be
23 repaired on the vessel?
24 MR. RODGERS: Other than what
25 he's reviewed with me?

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1 A. MR. CHAPMAN: Well, I don't
2 know what he reviewed with you and I'm not
3 really trying to explore it, I'm just
4 trying to remember --
5 MR. RODGERS: You could put it
6 in the question.
7 Q. I'm trying to ask him if he
8 recalls what was being repaired on the
9 vessel in Baltimore?
10 A. No, I'm not 100 percent. I
11 couldn't tell you exactly off the top of my
12 head.
13 Q. The next page of the exhibit,
14 which is June 13th of 2024 says in the very
15 first entry, "Tug needs some issues
16 resolved."
17 Does that ring any bells or
18 what needed to be done?
19 A. No. The last real big thing or
20 the issues resolved was we had some metal
21 break off or some fendering that we had to
22 get rewelded on the side of the boat.
23 Q. Okay. And it appears that the
24 vessel was there in Baltimore throughout
25 the day.

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1 If you turn over to the
2 one -- the page that starts with the June
3 14th entry. It's Carver 000054 at the
4 bottom. Sort of in about the middle of
5 that page, there's an entry at 7:55 a.m.
6 A. Oh, yeah. That was before
7 we -- yep. That was -- that's what I was
8 talking about, we ended up getting that
9 fixed in New York.
10 Q. Okay. So is Jason a reference
11 to you?
12 A. Yes, sir.
13 Q. That's what I figured. It
14 says, "The shipyard project spoke with
15 Jason, the shipyard project manager, about
16 welding the pin keepers."
17 Do you know what pin keepers
18 needed welding?
19 A. Yeah. For the rub rail which
20 held our fendering on. We sat there
21 waiting to get welding work done, and they
22 never did it. So we got a bunch of ratchet
23 straps to hold it still till we got home.
24 And then we had it fixed -- yeah. We had
25 it fixed up in -- I can't remember the name

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1 of the boat yard, but it's over near New
2 Jersey. But it was just fendering on the
3 forward starboard side?
4 Q. The fendering is like those --
5 A. Like rubber.
6 Q. -- rubber --
7 A. Yep.
8 Q. -- that kind of protects the
9 hull?
10 A. No. It just keeps us from
11 scrapping up anything if we go to push
12 against it.
13 Q. Got it. Let me pass you what's
14 been marked as Exhibit 20 to the deposition
15 of a guy -- of Nicholas Laraway yesterday.
16 It's a invoice from a company called
17 General Ship Repair in Baltimore dated June
18 14th, 2024. And it says that there's two
19 things that were done.
20 You described for us the need
21 to secure the starboard side fender for
22 transit. But you'll see under Item A there
23 on the middle of the page, it says,
24 "Preparing weld to keep a plate onto the
25 port rudder post?"

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<p>1 A. Yep.</p> <p>2 Q. What is that about?</p> <p>3 A. I wasn't there for that one.</p> <p>4 It could have happened before a crew</p> <p>5 change. But all this is just a little</p> <p>6 piece of metal that goes on the deck.</p> <p>7 Q. And what does it do as far as</p> <p>8 the rudder post is concerned?</p> <p>9 A. I couldn't answer you 100</p> <p>10 percent to what --</p> <p>11 MR. RODGERS: Don't guess.</p> <p>12 THE WITNESS: Okay, I couldn't</p> <p>13 guess.</p> <p>14 MR. RODGERS: You can tell him</p> <p>15 what you know, though.</p> <p>16 A. What I know of what this is, is</p> <p>17 all this is like a bump stop, is what I</p> <p>18 believe it is. But like I said, I'd be</p> <p>19 guessing it's -- from what I'm reading,</p> <p>20 that's what I gather from it, but I wasn't</p> <p>21 there for the repair.</p> <p>22 Q. Let me just ask you. Is that</p> <p>23 the type of thing that like you would talk</p> <p>24 to somebody at the company that something</p> <p>25 needs to be repaired?</p>	<p>1 Q. Got it. So it looks like the</p> <p>2 boat was in the repair yard or at the</p> <p>3 repair yard to get some repairs done for a</p> <p>4 few days before you headed down to Norfolk</p> <p>5 to get the barge, right?</p> <p>6 A. Yeah, we sat there. Well, we</p> <p>7 had to grab shopping, and -- yeah. We -- I</p> <p>8 think we were there for a day or two, from</p> <p>9 what I remember.</p> <p>10 Q. Got it.</p> <p>11 MR. RODGERS: And you're</p> <p>12 talking Baltimore or New York?</p> <p>13 MR. CHAPMAN: Baltimore.</p> <p>14 MR. RODGERS: Okay.</p> <p>15 Q. In Baltimore. That's what you</p> <p>16 understood me to mean?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Yeah. And when you got to</p> <p>19 Norfolk, were you able to get underway</p> <p>20 right away with the barge or did you have</p> <p>21 to wait for anything?</p> <p>22 A. I couldn't tell you 100</p> <p>23 percent. It's usually -- most of the time,</p> <p>24 it's always -- there's always some kind of</p> <p>25 time delay from us getting there and</p>
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<p>1 A. Yes. But that would've been</p> <p>2 O'Rourke -- Alex O'Rourke, the other</p> <p>3 engineer.</p> <p>4 Q. Okay.</p> <p>5 A. That would probably</p> <p>6 been -- that would've been him who did it.</p> <p>7 Q. Okay.</p> <p>8 A. Because I never asked for that</p> <p>9 kind of repair.</p> <p>10 Q. All right. Alex O'Rourke, was</p> <p>11 he the --</p> <p>12 A. He was the other engineer. His</p> <p>13 name came back to me.</p> <p>14 Q. Okay.</p> <p>15 A. Yep.</p> <p>16 Q. And well, thank you for that.</p> <p>17 A. Yep.</p> <p>18 Q. Do you know if he still works</p> <p>19 for Carver?</p> <p>20 A. I don't know.</p> <p>21 Q. Was he -- he was still working</p> <p>22 there when you quit, or when you stopped</p> <p>23 working there, I'll say?</p> <p>24 A. Yeah. He was the other</p> <p>25 engineer -- opposite engineer.</p>	<p>1 leaving, whether we need fuel or grub.</p> <p>2 Q. Do you remember the boat having</p> <p>3 to be surveyed -- the barge having to be</p> <p>4 surveyed, you had to wait for the surveyor?</p> <p>5 A. No, I don't remember.</p> <p>6 Q. Do you know what the safety</p> <p>7 management system is? Sometimes they call</p> <p>8 it the SMS, or.</p> <p>9 A. Yeah, I -- the big book.</p> <p>10 Q. Okay.</p> <p>11 A. Yeah.</p> <p>12 Q. And the big book, where is it</p> <p>13 kept on the boat?</p> <p>14 A. It's either in the galley or</p> <p>15 the lower wheelhouse.</p> <p>16 Q. All right. And do you ever</p> <p>17 have any reason to refer to it?</p> <p>18 A. I mean, if there's an incident,</p> <p>19 we look up the guidelines in it or like</p> <p>20 OSHA regulations, Coast Guard regulations</p> <p>21 or whatnot.</p> <p>22 Q. Is there any training on the</p> <p>23 materials that are -- or the information</p> <p>24 that's contained in the SMS?</p> <p>25 MR. RODGERS: Objection to</p>

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1 form.
2 You can answer if you
3 understand the scope of the question.
4 **A. I mean, you do get training on**
5 **it, and you get occasional drills like what**
6 **would happen if such and such happened,**
7 **this and that, that are regularly that you**
8 **have to have per Coast Guard, but to sit**
9 **down and read the manual, no.**
10 Q. Like a man overboard drill?
11 **A. Oh yeah. Yeah, we do all of**
12 **that.**
13 Q. All right. A fire drill?
14 **A. Fire drill, fuel -- if fuel**
15 **goes into the -- fuel or oil goes into the**
16 **water, what you would do, stuff like that.**
17 Q. Who provides that training or
18 runs those drills?
19 **A. It would be the captain, or the**
20 **port engineer, or the port -- sorry, the**
21 **port captain or our captain.**
22 Q. And is there something that you
23 would have to sign that you received the
24 training, or went through the training?
25 **A. Yes.**

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1 Q. Each time it happens?
2 **A. Well, I don't know. I can't**
3 **remember if it's each time.**
4 Q. And when they would do this
5 training that you just described, would
6 everybody have to do it at the same time?
7 **A. Yes.**
8 Q. Like everybody's up and, you
9 know?
10 **A. We would set the alarm offs**
11 **fire out the fire hoses, the whole shabang.**
12 Q. Do you remember any training on
13 how to make a bridge transit?
14 MR. RODGERS: Objection to
15 form. You can answer if you
16 understand it.
17 I just want to ask you're
18 asking him as an engineer or is in
19 his rating?
20 MR. CHAPMAN: This is not a
21 complicated question, Mr. Rodgers.
22 MR. RODGERS: Well, it is.
23 MR. CHAPMAN: I'm just asking
24 him if he remembers any training on
25 doing bridge transits.

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1 **A. That's -- no, that's not**
2 **something I'm trained on. That'd be mates**
3 **or anybody working to work in the bridge.**
4 Q. And do you know whether they
5 were trained on bridge transits?
6 **A. I couldn't answer to them.**
7 MR. RODGERS: Objection -- hold
8 on. Objection.
9 You can answer if you know.
10 **A. I couldn't answer to them.**
11 Q. Is there any specific training
12 that you recall that, you know, was, I'll
13 say related to your engineering
14 responsibilities that you had to
15 participate in or go through?
16 **A. Yes.**
17 Q. Can you tell us what
18 the -- what type of training that was?
19 **A. There's certification schools**
20 **where you go and you work up your license.**
21 **I had worked up to my designated duty**
22 **engineer, unlimited tonnage and I'd done**
23 **tech schools, diesel schools, marine system**
24 **schools, and then just working with the**
25 **knowledge of tech engineering.**

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1 Q. So I'm interested in -- you
2 described drills or training that happened
3 on the boat with everybody. Was there any
4 training that happened on the boat related
5 to your engineering duties that you can
6 recall?
7 **A. I don't understand the**
8 **question.**
9 Q. Well, you described for us some
10 schools you'd been to.
11 **A. Yes.**
12 Q. Certifications that you got,
13 that sort of thing. That's basically
14 shore-side stuff, right?
15 **A. No. That's marine systems,**
16 **operations underway, stuff like that.**
17 **That's stuff pertaining to just me as the**
18 **engineer or anybody.**
19 Q. Well, we may be talking about
20 the same thing, then. I'm just trying to
21 understand did that training occur on the
22 vessel as part of the SMS training system?
23 **A. No, no training like that did.**
24 **All that training was done in schools, in a**
25 **classroom, in a controlled environment.**

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1 Q. Okay.	1 MR. CHAPMAN: I said I think
2 A. It was to prepare me to be on	2 I'm pretty close to being done. Why
3 the boat.	3 don't we take a break?
4 Q. Do you recall whether there was	4 MR. RODGERS: Okay.
5 a meeting of the crew regarding the bridge	5 THE VIDEOGRAPHER: We are going
6 transits on the stretch of river that you	6 off the record. The time is 11:55
7 were going to be passing through before	7 a.m.
8 heading out to sea with the barge on June	8 (Whereupon, a short recess was
9 15th, 2024?	9 taken.)
10 A. Nothing that would've been	10 THE VIDEOGRAPHER: Beginning
11 relayed to me.	11 Media Number 2. We are back on the
12 Q. Did you ever have a Carver	12 record. The time is 12:09 p.m.
13 Company's e-mail address when you worked	13 Q. Mr. McGrath, the only thing I
14 for them?	14 wanted to follow up was, did you have any
15 MR. RODGERS: Personally?	15 training on the maintenance or servicing of
16 A. You mean for them to send me	16 the autopilot system on the Mackenzie Rose?
17 e-mails?	17 A. No.
18 Q. No, like a company e-mail	18 Q. Do you know of any manuals that
19 address.	19 were kept on the boat, or accessible on the
20 A. Like I could contact them?	20 boat that could help you troubleshoot it if
21 Q. Or they could contact you	21 you needed to?
22 through -- like it would say, you know,	22 A. We had a ton of manuals. To
23 jmcgrath@carvercompanies.com?	23 say whether we did or didn't, I couldn't
24 A. Not that I'm aware of. I	24 tell you 100 percent.
25 didn't have one. I had the HR guys', I	25 Q. In your service on the
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1 believe, but I didn't have my own Carver	1 Mackenzie Rose, did you ever do anything to
2 e-mail. Not that I know of.	2 troubleshoot or repair --
3 Q. You knew how to get in touch	3 A. The autopilot, no, sir.
4 with them by e-mail?	4 Q. -- autopilot?
5 A. I could reply to their e-mails	5 A. No.
6 to my personal e-mail.	6 MR. CHAPMAN: Okay, all right.
7 Q. Okay.	7 That's all I got. We're done
8 A. Or I could call them.	8 unless --
9 Q. What personal e-mail did you	9 MR. RODGERS: You're done?
10 use at the time you were working for	10 MR. CHAPMAN: -- Mr. Rodgers
11 Carver? Like a Gmail account?	11 has some questions.
12 A. Yes.	12 MR. RODGERS: Yeah. I just
13 Q. All right.	13 need 10 minutes to check my notes.
14 A. My own.	14 MR. CHAPMAN: Yeah.
15 Q. Which -- you still have it?	15 MR. RODGERS: Are you okay with
16 A. Yes.	16 your meeting?
17 Q. What's your handle -- what's	17 MR. CHAPMAN: Yeah. Yeah,
18 your e-mail address on Gmail?	18 yeah. I got it.
19 A. jaybonz88@gmail.com.	19 THE REPORTER: Do you mind if
20 Q. Okay.	20 we --
21 MR. CHAPMAN: Why don't we take	21 MR. CHAPMAN: Do you really
22 a break? And I think I'm pretty close to	22 need 10 minutes?
23 being done. Okay.	23 THE REPORTER: Yeah. Do you
24 MR. RODGERS: I didn't hear	24 mind if we end only because I parked
25 you.	25 in --

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<p style="text-align: right;">Page 74</p> <p>1 MR. RODGERS: I can't hear you. 2 THE VIDEOGRAPHER: Okay. We 3 are going off the record. The time 4 is 12:10 p.m. 5 THE VIDEOGRAPHER: Beginning 6 Media Number 3. We are back on the 7 record. The time is 12:21 p.m. 8 EXAMINATION BY 9 MR. RODGERS: 10 Q. Okay. Real quick, just maybe 11 three questions. So Mr. McGrath, when you 12 were talking about manning of the tug, is 13 it fair to say that was your opinion? 14 A. Yes. 15 Q. If you could look at Exhibit 5 16 from the Moore deposition, but -- it's a 17 list of crew members. 18 Can you just take a look? Were 19 those the crew members on board including 20 yourself? 21 A. That is correct. 22 Q. Okay, and how many are there? 23 MR. CHAPMAN: Just to be clear, 24 you mean on the day of the allision? 25 I don't know. It has a date on</p>	<p style="text-align: right;">Page 76</p> <p>1 following license and unlicensed 2 personnel." 3 Do you see that? 4 A. Yes. 5 Q. And if you count how many 6 personnel that is named in that section? 7 A. Five. 8 Q. Five? 9 A. Yes, sir. 10 Q. Okay. And there were five on 11 board at the time of the allision? 12 A. Correct. 13 Q. Okay. Real quickly. If you go 14 to Exhibit 1 of today's deposition, the 15 Helm CONNECT daily log for 5/20/24. You 16 were shown that by Mr. Chapman. I want you 17 to go back to the section he has showed 18 you, and it says, "At 23:08, incident SB 19 Atlantic -- " is that southbound? 20 A. Yes, sir. 21 Q. "SB in the Atlantic, steering 22 went hard over with alarm. Went to clutch 23 ahead, got back into donut in front of the 24 barge." 25 Do you see that?</p>
<p style="text-align: right;">Page 75</p> <p>1 there. 2 MR. RODGERS: You sound like 3 me. Tug Mackenzie Rose crew matrix 4 on June 15th, 2024. 5 Thank you, Jim. 6 Q. Were those the people, to your 7 knowledge, who were on board at the time of 8 the allision? 9 A. To my knowledge, yes. 10 Q. Okay. And there is five there, 11 right? 12 A. Yes. 13 Q. Have you ever seen a 14 certificate of inspection generally? 15 A. There's always one hanging in 16 the galley. 17 Q. And when you look at Exhibit 38 18 of the Moore Exhibit, does that appear to 19 be a certificate of inspection? 20 A. Yes, it does. 21 Q. Does it appear to be for the 22 Mackenzie Rose? 23 A. Yes, sir. 24 Q. And if you go to the section, 25 "This vessel must be manned with the</p>	<p style="text-align: right;">Page 77</p> <p>1 A. Yes. 2 Q. And is it fair to say that this 3 entry doesn't mention anything about 4 autopilot? 5 A. Correct. 6 Q. Okay. And to your knowledge, 7 as you sit here, do you have any knowledge 8 as to why it went hard over that particular 9 time? 10 A. I couldn't -- not to my 11 knowledge at that time, no. 12 Q. Okay, thank you. And getting 13 back to the wheelhouse, both -- let's start 14 with the upper wheelhouse. 15 The autopilot switch that's in 16 that wheelhouse, do you have anything to do 17 with turning that on or off? 18 A. Nothing. 19 Q. In your understanding and 20 knowledge, is that a -- have -- part of any 21 duty of the engineer? 22 A. None. 23 Q. And is it, in your 24 understanding, the duty of the mate on 25 watch?</p>

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<p>1 A. Whoever is on the controls, is 2 their duty. 3 Q. Whether it's the mate or 4 captain? 5 A. Yes, sir. 6 Q. Okay. And does that go for the 7 lower bridge too, the main bridge? 8 A. Correct. 9 Q. Okay, that's all that I have. 10 Thank you. 11 MR. CHAPMAN: I don't have any 12 further questions. Thank you, 13 Mr. McGrath. 14 THE WITNESS: Thank you. 15 MR. CHAPMAN: Pleasure to meet 16 you. 17 THE WITNESS: You as well. 18 MR. RODGERS: We're done. 19 THE VIDEOGRAPHER: Okay. This 20 is the end on the video deposition of 21 Jason McGrath -- I'm sorry. 22 MR. CHAPMAN: I don't know 23 whether anybody else has any 24 questions, but I'm guessing not. 25 MR. RODGERS: Oh, sorry. Mark,</p>	<p>1 2 3 C E R T I F I C A T E 4 STATE OF NEW YORK) 5 :ss 6 COUNTY OF SUFFOLK) 7 8 I, LARIN KAYWOOD, a Notary Public 9 within and for the State of New York, do 10 hereby certify: 11 That the witness whose examination is 12 hereinbefore set forth was duly sworn and 13 that such an examination is a true record 14 of the testimony given by such a witness. 15 I further certify that I am not 16 related to any of these parties to this 17 action by blood or marriage, and that I am 18 not in any way interested in the outcome of 19 this matter. 20 IN WITNESS WHEREOF, I have hereunto 21 set my hand this 18th day of June, 2025. 22 23 <i>Larin Kaywood</i> 24 Larin Kaywood 25</p>
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<p>1 you there? 2 MR. NANAVATI: No questions. 3 No questions. 4 MR. CHAPMAN: Okay. 5 MR. RODGERS: Okay. 6 THE REPORTER: So ready to go? 7 MR. CHAPMAN: Yep. 8 THE VIDEOGRAPHER: This is the 9 end on the video deposition of Jason 10 McGrath. The time is 12:25 p.m. 11 (Thereupon, the examination was 12 concluded at 12:25 P.M.) 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 Errata Sheet 2 3 NAME OF CASE: IN THE MATTER OF COEYMANS MARINE TOWING, et al. 4 DATE OF DEPOSITION: 06/18/2025 5 NAME OF WITNESS: JASON MCGRATH 6 Reason Codes: 7 1. To clarify the record. 8 2. To conform to the facts. 9 3. To correct transcription errors. 10 Page ____ Line ____ Reason ____ 11 From ____ to ____ 12 Page ____ Line ____ Reason ____ 13 From ____ to ____ 14 Page ____ Line ____ Reason ____ 15 From ____ to ____ 16 Page ____ Line ____ Reason ____ 17 From ____ to ____ 18 Page ____ Line ____ Reason ____ 19 From ____ to ____ 20 Page ____ Line ____ Reason ____ 21 From ____ to ____ 22 Page ____ Line ____ Reason ____ 23 From ____ to ____ 24 25</p>

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Errata Sheet

NAME OF CASE: IN THE MATTER OF COEYMANS MARINE TOWING, et al.

DATE OF DEPOSITION: 06/18/2025

NAME OF WITNESS: JASON MCGRATH

Reason Codes: 1. To clarify the record.

2. To conform to the facts.

3. To correct transcription errors.

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From ____ to ____

Page ____ Line ____ Reason ____

From ____ to ____

JASON MCGRATH

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STATE OF CALIFORNIA)

)

COUNTY OF LOS ANGELES) ss.

I, JASON MCGRATH, hereby certify

under penalty of perjury under the laws of the State of
California that the foregoing is true and correct.

Executed this ____ day of

____, 2025, at _____,

California.

JASON MCGRATH

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